

1 conversation with Mr. Wagner?

2 A. Well, he called essentially dealing with the  
3 same topic. He was interested in my trying to help Mrs.  
4 Wagner get a job.

5 Q. And your response to Mr. Wagner was?

6 A. Well, it was probably essentially the same.  
7 What else could I tell him? I couldn't tell him, yes,  
8 I'll see that she gets a job. We don't have that kind of  
9 authority.

10 Q. I see. Let me ask you this, Mr. Wright: Are  
11 you aware of the lawsuit that's been filed by Miss Wagner,  
12 against the school district?

13 A. In general terms.

14 Q. But you are aware of it, right?

15 A. Yes.

16 Q. How did it first come to your attention, the  
17 lawsuit?

18 A. It was brought to the board's attention as a  
19 whole.

20 MR. NICHOLS: The lawsuit was filed on  
21 about October 8th, 2004, approximately. I would ask  
22 the Court Reporter, Miss Grill, would you mark this  
23 (indicating) Plaintiff Exhibit 2 and include it in  
24 the record, please?

25 (At which time, Plaintiff's  
Exhibit No. 2, was marked for



1 complaint?

2 A. No, I haven't reviewed the complaint. It was  
3 summarized by our legal counsel to the board.

4 Q. And this would have been approximately 2000 --  
5 It would have been 2004, of course, right?

6 A. (No audible answer.)

7 Q. That's when the suit was filed?

8 A. Right. The law firms wouldn't have come to us  
9 until it was actually officially filed.

10 Q. Were you -- Prior to this lawsuit, there was an  
11 administrative complaint filed with the Pennsylvania Human  
12 Relations Commission. Was that also brought to the board,  
13 the board's attention?

14 A. I really don't recall.

15 Q. It's possible?

16 A. In all likelihood we would have been informed.

17 Q. And the minutes will reflect that; would it  
18 not?

19 A. (No audible answer.)

20 Q. The minutes of the board meeting would reflect  
21 that?

22 A. Not -- Not in executive session, I don't  
23 believe so. There are minutes of the work sessions and  
24 there are minutes of the public session, but I don't  
25 believe there are minutes of executive sessions, because

1 we have to report anything out to the public if we decide  
2 anything.

3 So executive session is to deal with private  
4 personnel matters --

5 Q. But the lawsuit --

6 A. -- Legal questions.

7 Q. All right. A lawsuit is filed and as a matter  
8 of course it would be brought to the attention of the  
9 board as you said it was in this case, right?

10 A. Yes.

11 Q. Let me step back. What about administrative  
12 complaint that's filed with the administrative agency, in  
13 this case, the Pennsylvania Human Relations Commission,  
14 would that also would have been brought to the attention  
15 of the board as a matter of standard procedure?

16 A. I imagine that it would have.

17 Q. Matters that involve your legal counsel are  
18 matters which are routinely brought to the board, before  
19 the board; is that correct?

20 A. I --

21 Q. Is that a fair statement?

22 A. I don't know that I would say that. I think  
23 there are a lot of legal issues that our people deal with,  
24 our attorneys, and that's it. They don't come to the  
25 board if they're not complex issues.

1 MR. NICHOLS: He can express his opinion,  
2 counsel. I don't see anything -- If he wishes --

3 MR. KUHAR: As your counsel, I'm going to  
4 instruct you not to answer. You can disregard my  
5 advice, but it's my advice that you not answer that.

6 THE WITNESS: I would choose not to answer  
7 then. I mean we pay him to know the law. I'm not  
8 the lawyer.

9 MR. NICHOLS: Okay.

10 | BY MR. NICHOLS:

11 Q. You said that the school board did discuss this  
12 lawsuit together. You did make that statement, correct?

13 A. It was brought to our attention.

14 Q. All right.

15 A. Surely.

16 Q. And the lawsuit was placed on the agenda -- Was  
17 it placed on the agenda of the school district -- of the  
18 board rather?

19           A. No, it wouldn't have been placed on the agenda,  
20 it would have been an executive session item which we  
21 would be advised of by a memorandum that it would be  
22 discussed in executive session.

23           We don't always know that in advance, from a timing  
24   standpoint. But in general the superintendent let's us  
25   know what executive committee items are going to occur.

1           I'm asking you now -- maybe you don't know -- in  
2 terms of how the administration implements it, in the  
3 hiring decision of teachers?

4           A.    Well, here again, the hiring of teachers  
5 doesn't come to the board.

6           Q.    No, no. What I'm asking, sir, is as I  
7 understand the process, the teachers, that the initial  
8 hiring -- I mean the recruitment, the screening of  
9 candidates for teaching positions occurs with the  
10 administration, right?

11           And then those that are recommended to be hired as  
12 teachers are presented to the board for its final blessing  
13 or approval; is that correct?

14           A.    That's correct.

15           Q.    The regulations I read requires the board  
16 approves the hiring; is that correct?

17           A.    Yes. Every month there's a list --

18           Q.    So I mean the administration, Mr. Heller and  
19 Mr. Dolecki, don't have the exclusive unilateral authority  
20 to hire teachers under the existing regulations; is that  
21 correct, that is the board's function?

22           A.    They recommend it.

23           Q.    Right, recommend.

24           A.    Right.

25           Q.    But that's different. The board has final

1 approval?

2 A. Right, and the board doesn't preside over  
3 hiring coaches and so on. I don't think so. That's not  
4 our job, that's their job.

5 They give us the recommendations and by and large  
6 there are not objections to those. Sometimes there's  
7 personal knowledge or something, but the legal criteria is  
8 if it's a board members relative, we have to deal with it.  
9 The rest of it is an administrative matter.

10 Q. Right. And I'm asking you -- And that's  
11 because of the anti-nepotism policy, correct? When you  
12 say you have to deal with, you're referring to the board,  
13 right?

14 And when you say you have to deal with it, what are  
15 you really telling us?

16 A. Here again --

17 MR. KUHAR: I object to the question that  
18 it's compound. I don't think it's impermissible,  
19 but you can break it into pieces.

20 BY MR. NICHOLS:

21 Q. I'm using your words, and I'm asking for  
22 clarification. When you say -- These are your words I  
23 think. Correct me if I'm wrong, you said if it's a  
24 relative, then the board has to deal with it.

25 I'm asking you to further clarify that. What do you

1 mean when you say the board has to deal with it?

2 A. If it's a relative of a board member, the board  
3 has to deal with that issue, we have to vote specifically  
4 on that issue. If it's one of our relatives, the board  
5 has to vote on it.

6 We don't vote on a specific individual service  
7 worker and maintenance people and teachers that are hired.  
8 We get a list of those recommended by the administration.

9 Q. Right, and you vote on it right?

10 A. Yes.

11 Q. I mean you approve or disapprove; is that  
12 correct?

13 A. That's correct.

14 Q. You do approve or disapprove, okay. Let me ask  
15 you this: Does the fact that Miss Wagner filed a lawsuit,  
16 does that disqualify her for being further considered for  
17 a teaching position?

18 A. No, I would think -- Again, I'm not sure that  
19 it's helpful.

20 Q. Would you hold it against her?

21 A. If I wanted a paid job at the school district,  
22 I wouldn't sue them as a place to start.

23 Q. Would you hold it against her knowing now that  
24 you know that she's filed a lawsuit, that's a matter of  
25 record, would you -- And her application coming through